

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:12-CR-39-F-1

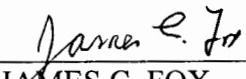
UNITED STATES OF AMERICA)
)
)
v.) **ORDER**
)
BILLY DELOEN GOFF)

This matter is before the Court on Defendant Billy Goff's Motion to Reconsider and Modify Judgment [DE-61], Motion for Extension of Time to File Notice of Appeal [DE-63], and Motion to Seal Memorandum in Support of Motion to Reconsider and Modify Judgment [DE-64]. On March 4, 2015, the defendant filed a Notice of Appeal to the United States Court of Appeals for the Fourth Circuit [DE-65].

"[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously." *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). Generally, the filing of a notice of appeal, including an interlocutory appeal, "confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Id.*

This court was without jurisdiction as soon as Goff filed the Notice of Appeal on March 4, 2015. Therefore, the court will STAY the present motions pending the outcome of the defendant's appeal to the Fourth Circuit.

SO ORDERED. This, the 9th day of March, 2015.



JAMES C. FOX
Senior United States District Judge